IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

MCA (Review) No.10 of 2001 in

W.P. No.560 of 2000

-=-=-=

Scrutiny Committee cannot be sustained in law. Consequently, the order impugned would also be bad in law.

The Assistant Government Pleader, on the other hand, supported the impugned order and further contended that the ground about Police Vigilance Cell being not signed by the Research Officer is taken for the first time in the review application and therefore, the same may not be entertained.

Considered the contentions canvassed by the respective counsel and perused the impugned order. The learned Single Judge observed in the impugned order that in the Primary School Leaving Certificate dt. 22.12.1994 as well as the College Living Certificate dt. 20.4.1990 the caste of the petitioner is shown as “Koli” and not “Mahadeo Koli” and therefore, coupled with the fact that the petitioner also failed to establish affinity with the “Koli Mahadeo” caste, the Writ Petition was dismissed. The finding recorded in the impugned order is just and proper.

Looking to the limited jurisdiction of review exercised by this Court, I am of the view that it will be impermissible for the petitioner to raise the ground about legitimacy of Police Vigilance Cell report for the first time in the review petition since the same was neither raised in the Writ Petition nor argued before the learned Single Judge.

For the reasons stated hereinabove, no case is made out for showing any indulgence. Hence, the Misc. Civil Application is

dismissed.

Needless to mention that so far as protection of service/admission in view of the decision of either Supreme Court, this Court or Government Resolution is concerned, the said issue was not subject matter of either Writ Petition or Review Petition.

JUDGE

ssj